

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Kylon Middleton; Deon Tedder; Amos
Wells; Carylye Dixon; Tonya Winbush;
Ernestine Moore; South Carolina
Democratic Party; DNC Services
Corporation/Democratic National
Committee and DCCC,

Plaintiffs,

v.

Marci Andino, in her official capacity as
Executive Director of the South Carolina
State Election Commission, John Wells
in his official capacity as Chair of South
Carolina State Election Commission, and
Clifford J. Edler and Scott Moseley, in
their official capacities as members of the
South Carolina State Election Commission,

Defendants.

Civil Action No.: 3:20-cv-01730-JMC

ORDER

In the United States District Court for the District of South Carolina, a court has discretion regarding whether to conduct a hearing on a pending motion. *See* Local Civ. Rule 7.08 (D.S.C.). In the age of COVID-19, this discretion has been enhanced in that in-court appearances are only allowable when specifically ordered by the presiding judge. *See In re: Court Operations in Response to COVID-19*, 3:20-mc-00139-RBH, ECF No. 1 (D.S.C. Apr. 14, 2020). In its discretion, the court has decided that the issues raised by Plaintiffs even in the age of COVID-19 warrant an in-court appearance. (*See* ECF No. 16.) However, because it is cognizant of ongoing safety concerns, the court will allow the hearing participants the freedom to choose whether to appear in person or remotely.

The court advises the parties that it is diligently implementing processes and procedures

because its primary concern is the safety and well-being of all involved. The court will enforce the Standing Order prohibiting entry into the courthouse by the following:

Persons who have been in any of the following countries or locations within the last 14 days: CHINA, SOUTH KOREA, JAPAN, ITALY, IRAN, EGYPT, WASHINGTON STATE, NEW ROCHELLE, NEW YORK . . .; Persons who reside or have had close contact with someone who has been in one of the countries or locations listed above within the last 14 days; Persons who have been asked to self-quarantine by any doctor, hospital, or health agency; Persons who have been diagnosed with, or have had contact with, anyone who has been diagnosed with COVID-19; [or] Persons with symptoms of COVID-19, such as fever, cough, or shortness of breath.

In re: Restrictions on Visitors to Courthouses due to Coronavirus (COVID-19), 3:20-mc-00101-RBH, ECF No. 1 at 1–2 (D.S.C. Mar. 13, 2020).

For those attending the hearing in person, there will be available for use hand sanitizer, disinfectant spray, and a limited number of masks. The court will have individual spots in the courtroom marked off to ensure that all attending persons are at least six (6) feet apart.¹ By this action, we believe Courtroom No. 1 can hold eighteen (18) attorneys and/or non-court personnel. If we need more than the eighteen (18) spots allocated in Courtroom No. 1, there is availability to utilize Courtroom No. 5 for additional persons.²

Due to these space limitations, and because it does not have a clear assessment of the number of participants between counsel and the parties that will attend in person, the court informs court security officials that the hearing will not be open to the general public. The court will consider requests by media to attend in person, but these requests must be received by Karen Boston by telephone (803-253-3477) or by e-mail (Karen_Boston@scd.uscourts.gov) on or before

¹ In its suggestions for slowing the spread of COVID-19, the Centers for Disease Control and Prevention (“CDC”) advocates for “limiting face-to-face contact with others” by “[s]tay[ing] at least 6 feet (about 2 arms’ length) from other people.” *Coronavirus Disease 2019 (COVID-19)*, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html> (last visited May 11, 2020).

² There will be a video monitor in Courtroom No. 5 to allow individuals to follow the proceedings.

Thursday, May 14, 2020, at 12:00 p.m.

For those participating in the hearing remotely, the Clerk's Office has been testing both our teleconferencing and videoconferencing capabilities. To ensure that these systems run smoothly on May 15th, we will require your participation in pre-hearing testing.

The court **INSTRUCTS** each attorney to advise the court of their choice by contacting Karen Boston by telephone (803-253-3477) or by e-mail (Karen_Boston@scd.uscourts.gov) on or before Wednesday, May 13, 2020, at 12:00 p.m. Furthermore, as we approach the hearing date, the court anticipates entering an additional order providing the structure for the oral arguments.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

May 12, 2020
Columbia, South Carolina